

REMARKS

Claims 1-5, 7-8, 11-12 and 14-34 are pending in the present application. Claims 6, 9, 10 and 13 have been cancelled. Claims 26-34 have been newly added. Claims 1-2, 4, 7-8, 16-22 and 24-25 have been amended. Claims 1 and 16-19 are independent claims.

Claims Rejections Under 35 U.S.C. §101

Claims 1-5, 7-8, 11-12, and 14-15 are rejected under 35 U.S.C. §101 because claim 1 is directed to a recording medium having a “data structure” of angle change recording information within at least one navigation area.

In response to Applicants’ arguments, it is the Examiner’s position that the claim of *In re Lowry* has a data processing system to execute an application program, wherein the application program is the functional descriptive material. As such, the Examiner has concluded that claim 1, as amended, does not have any functional descriptive material and does not have anything to execute a function. In response to the Examiner’s position and interpretation of *In re Lowry*, Applicants have amended each of claims 1-5, 7-8, 11-12 and 14-15 from a “computer-readable medium” to a “computer-readable medium storing a computer executable program to produce a data structure”. Thus, in view of the Examiner’s interpretation of *In re Lowry*, each of the rejected claims expressly recites that the computer-readable medium stores a computer executable program to produce a data structure that eliminates any question that the recited subject matter is intended use. Reconsideration of these rejections is thus respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1, 4-5, 7-8, 11, 14, 16-20 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Kikuchi et al. (U.S. Patent No. 5,870,523). Reconsideration of these rejections as they may apply to the amended claims is respectfully requested.

Claim 1 has been amended to expressly recite that the angle change is performed if the angle change is permitted and execution of the angle change is delayed until a reproduction position reaches a position at which the angle change is permitted. This feature is not disclosed, either expressly or inherently, by U.S. Patent 5,870,523 to Kikuchi et al.

As recited in amended claim 1, the described device operates such that if the request for an angle change is inputted, execution of the angle change is delayed until a reproduction position reaches a position at which the angle change is permitted. However, if the request for the angle change is inputted, Kikuchi et al. only checks whether there is an angle data, and if there is the angle data, the reference stops the system time clock (STC) and performs a muting process on the reproduction of video and audio data. Thereafter, the transfer of the data in the selected angle begins. Next, if a navigation pack has been transferred, the STC is set and the muting state of the video and audio data is cancelled. More specifically, in Kikuchi et al., the angle change is performed when the navigation package transfers. Kikuchi et al. does not disclose a position at which the angle change is permitted, and also does not disclose whether the execution of the angle change is delayed until the reproduction position reaches a position at which the angle change is permitted.

More simply, the subject matter of claim 1 discloses angle change information for indicating where the angle change is permitted and the execution of the angle change is delayed until a reproduction position reaches a position at which the angle change is permitted based on the angle change information. However, Kikuchi et al. does not disclose any information for

indicating where the angle change is permitted, and thus if the request for the angle change is inputted, the angle change is not delayed where the angle change is permitted.

For at least these reasons, it is respectfully submitted that Kikuchi et al. is insufficient to support the current rejection under 35 U.S.C. §102(b) as it may apply to the now amended claims. Reconsideration of these rejections is thus respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 2-3 and 23-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S. Patent No. 5,870,523) as applied to claims 1, 4-5, 7-8, 11, 14, 16-20 and 25 above, and further in view of Tsumagari et al. (U.S. Patent No. 6,556,774).

Claims 12 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S. Patent No. 5,870,523) as applied to claims 1, 4-5, 7-8, 11, 14, 16-20 and 25 above, and further in view of Sato et al. (U.S. Patent No. 5,884,004).

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S. Patent No. 5,870,523) as applied to claims 1, 4-5, 7-8, 11, 14, 16-20 and 25 above, and further in view of Na et al. (U.S. Patent No. 6,504,996).

Reconsideration of each of the above-identified rejections under 35 U.S.C. §103(a) is respectfully requested for at least the following reasons.

Independent claims 16, 17, 18 and 19, while directed to different classes of invention than claim 1, contain language that is similar to that added to claim 1 by the present amendment where it is recited that the angle change is performed if the angle change is permitted, and execution of the angle change is delayed until a reproduction position reaches to a position at which the angle change is permitted. Since each of the rejected claims set forth above as rejected under 35 U.S.C. §103(a) is dependent, either directly or indirectly, on one of independent claims

1, 16, 17, 18 or 19, Applicants submit that the primary reference does not teach the structural feature added by amendment to each of the independent claims nor would it be obvious to one of ordinary skill in the art. Furthermore, this feature is neither taught nor suggested in any of the secondary references cited by the Examiner to cure the deficiencies in the teachings of Kikuchi et al. since none of the references, either alone or in combination, teach this aspect as recited in the independent claims, nor would be an obvious variation to one of ordinary skill in the art. Reconsideration and withdrawal of the above rejections is requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-5, 7-8, 11-12 and 14-34 in connection with the present application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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